1951. File No. Requisition II (N) 51

Legal Deptt.

B BRANCH

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Subject:— Registration II (N)

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Notifications under the Indian Registration Act, 1908

File No. Registration II (N)/51.

Gen. 194

Legal Department.

CONFIDENTIAL.

The proposal of the Revenue Department is to issue a notification under section 22A(1) of the Indian Registration Act, 1908, prohibiting the registration of the document executed by the ruler of Kapurthala. That section was enacted to prohibit the registration of documents in cases where improper advantage was being sought to be taken of the provisions of the Indian Registration Act. (see the statement of objects and reasons underlying the Indian Registration (Bombay Amendment) Act, 1938). The provision will have no application to the present case and merely because the property in question may probably be declared to be the property of the old Kapurthala State and not the private and personal property of the ruler would not be a sufficient ground for holding that it wpuld be aginst the public policy to permit the registration of the document. Attention in this connection is invited to R.L.A.'s opinion in H.R.No. 6586 dated 15th June 1949 to P. & S.D. in connection with the sale of a property by Lady Sitabai of Baroda. As, however, the property in question is situate outside the jurisdiction of the Sub-Registrar, Bombay, it would be open to him to refuse its registration on the ground that such registration would not be in accordance with section 32 of the Act. It is not clear from the papers why, in spite of section 32, the document in question has been presented for registrationto the Sub-Registrar,

Bombay....

Bombay. R.D. may get this point cleared up from the Registrar. But even assuming that the Sub-Registrar has power to refuse registration in this case, the parties may present it to the Registrar himself for registration. In that case, in the absence of any other valid ground, it would not be open to the Registrar to refuse registration. Theppropér course in the presexnt case appears to be to request the Government of India to ~~xxx~~ expedite the decision in the present case and to delay the registration of the document till then.

Id/- J.R.D.
3/4

Remembrancer of Legal Affairs.

U.R. to R.D. No. 332-Confl.,
dated the 3rd April 1951.

JPE.28/6/56.
4 copies.

Office of the R.L.A.

Section 46 G of the Bombay Agricultural Debtors Relief Act, 1947 provides that the provisions of the Indian Registration Act are to apply to registration of awards made under the former Act mutatis mutandis i.e. so far as they are applicable. That means that all the provisions of the Indian Registration Act will not necessarily apply. As pointed out in Opinion No. 9133 dated 12th August, 1949 according to the provisions of Chapter II A of the Bombay Agricultural Debtors Relief Act, 1947, it is the duty of the Court to sent the awards for registration. Section 25 and other sections of the Indian Registration Act which relte to the time of presentation of documents have no application and no question of the levy of any fine or remitting the same arises. The view taken by the Inspector General of Registration is not correct and it is not necessary to issue the notification as proposed by him.

Id/- J.R.D.
8/4

Remembrancer of Legal Affairs.

U.R. to R.D. No 5888,
dated the 12th April 1951.